

## REMARKS

Claims 1-21 remain pending in the case. Claims 1, 8 and 15 have been amended. No new matter has been added.

### 102(b) Rejections

#### Claims 1-21

At paragraph 7 of the Office Action, Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicants admitted prior art. Applicants have reviewed the instant application and respectfully asserts that the claimed embodiments of the present invention are not anticipated by the prior art for the following rationale.

Amended independent Claim 1 recites,

“a) detecting a request for first unwind information related to first corresponding dynamically generated code, such that instructing an application program interface to facilitate registration of data can be deferred until execution of a first corresponding dynamically generated code,

b) creating a module which includes said data related to said first unwind information and said first corresponding dynamically generated code;

c) providing said [[an]] application program interface which allows said data to be registered such that dynamic registration of said first unwind information and said first corresponding dynamically generated code is enabled; and

d) coupling said [[an]] application program interface invocation code sequence to said first corresponding dynamically generated code such that upon

execution of said first corresponding dynamically generated code, said application program interface invocation code sequence instructs said application program interface to facilitate registration of said data.”

Although the prior art section states on page 3, lines 20-24 that an application program interface invocation code sequence can be coupled to dynamically generated code and that the application program interface invocation code sequence can operate in conjunction with the application program interface to facilitate the use of pseudo-modules during registration of unwind information, the prior art section of the present application does not teach or suggest “detecting a request for first unwind information related to first corresponding dynamically generated code,” let alone teach or suggest “detecting a request for first unwind information related to first corresponding dynamically generated code, such that instructing an application program interface to facilitate registration of data can be deferred until execution of a first corresponding dynamically generated code,” as recited by Claim 1. Further the prior art section of the present application does not teach or suggest “coupling said application program interface invocation code sequence to said first corresponding dynamically generated code such that upon execution of said first corresponding dynamically generated code, said application program interface invocation code sequence instructs said application program interface to facilitate registration of said data,” as recited by Claim 1.

Therefore, for at least these reasons, Applicants believe that independent Claim 1 overcomes the rejection under 35 USC 102(b) on the basis of the prior

art section of the instant application. Further, for similar reasons, Applicants believe that independent Claims 8 and 15 also overcome the rejection under 35 USC 102(b) on the basis of the prior art section of the instant application. Claims 2-7, Claims 9-14, and Claims 16-21 depend respectively on Claims 1, 8 and 15. Further these dependent claims include additional limitations which further make them patentable. Therefore, Applicants believe that Claims 2-7, Claims 9-14, and Claims 16-21 should also be allowed.

At paragraph 8 of the Office Action, Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by "HP Caliper-An Architecture for Performance Analysis Tool" by HP Caliper et al. (referred to hereinafter as "HP Caliper"). Applicants respectfully assert that the claimed embodiments of the present invention are neither taught nor suggested by HP Caliper for the following rationale.

Referring to the abstract, among other places, HP Caliper teaches "HP Caliper is an architecture for software developer tools that deal with executable (binary) programs HP Caliper teaches an architecture. It provides a common framework that allows building of a wide variety of tools for doing performance analysis, profiling, coverage analysis, correctness checking, and testing... This paper describes HP Caliper for HP-UX, running on the Intel® Itanium™ processor." Further, the first paragraph of the introduction states "The Intel Itanium processor instruction set architecture (ISA) offers an impressive set of architectural features which explicitly create synergy between compilers and the processor [10]."

In section 3 (e.g., 3. HP Caliper Architecture) HP Caliper further describes the HP Caliper Architecture, which includes an application programming interface. The API consists of a set of C function interfaces that form a simple object model consisting of measurement sets, events, processes configuration, context and collectors. In section 4 (e.g., 4. Dynamic Instrumentation) HP Caliper describes a lazy instrumentation algorithm whereby “After instrumentation, control transfers to the instrumented function, which continues to run until it hits the next break instruction.”

HP Caliper does not teach or suggest “detecting a request for first unwind information related to first corresponding dynamically generated code,” let alone teach or suggest “detecting a request for first unwind information related to first corresponding dynamically generated code, such that instructing an application program interface to facilitate registration of data can be deferred until execution of a first corresponding dynamically generated code,” as recited by Claim 1. Further HP Caliper does not teach or suggest “coupling said application program interface invocation code sequence to said first corresponding dynamically generated code such that upon execution of said first corresponding dynamically generated code, said application program interface invocation code sequence instructs said application program interface to facilitate registration of said data,” as recited by Claim 1.

Therefore, for at least these reasons, Applicants believe that independent Claim 1 overcomes the rejection under 35 USC 102(b) on the basis of HP Caliper.

Further, for similar reasons, Applicants believe that independent Claims 8 and 15 also overcome the rejection under 35 USC 102(b) on the basis of HP Caliper. Claims 2-7, Claims 9-14, and Claims 16-21 depend respectively on Claims 1, 8 and 15. Therefore, Applicants believe that Claims 2-7, Claims 9-14, and Claims 16-21 should also be allowed.

At paragraph 9 of the Office Action, Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by "Practicing JUDO: Java™ Under Dynamic Optimizations" by Cierniak et. al. (referred to hereinafter as "Cierniak"). Applicants respectfully assert that the claimed embodiments of the present invention are neither taught nor suggested by Cierniak for the following rationale.

Cierniak teaches in sections 5.1 and 5.2 a method of instrumenting code **during compilation**. In section 5.3 Cierniak teaches a method of using a cache to unwind a stack. In section 5.4, Cierniak teaches a method of lazy creation of an exception object.

Cierniak does not teach or suggest "detecting a request for first unwind information related to first corresponding dynamically generated code," let alone teach or suggest "detecting a request for first unwind information related to first corresponding dynamically generated code, such that instructing an application program interface to facilitate registration of data can be deferred until execution of a first corresponding dynamically generated code," as recited by Claim 1. Further Cierniak does not teach or suggest "coupling said

application program interface invocation code sequence to said first corresponding dynamically generated code such that upon execution of said first corresponding dynamically generated code, said application program interface invocation code sequence instructs said application program interface to facilitate registration of said data," as recited by Claim 1.

Therefore, for at least these reasons, Applicants believe that independent Claim 1 overcomes the rejection under 35 USC 102(b) on the basis of Cierniak. Further, for similar reasons, Applicants believe that independent Claims 8 and 15 also overcome the rejection under 35 USC 102(b) on the basis of Cierniak. Claims 2-7, Claims 9-14, and Claims 16-21 depend respectively on Claims 1, 8 and 15. Further these dependent claims include additional limitations which further make them patentable. Therefore, Applicants believe that Claims 2-7, Claims 9-14, and Claims 16-21 should also be allowed.

## CONCLUSION

In light of the above remarks, Applicant respectfully requests reconsideration of the rejected Claims 1-21.

Based on the argument presented above, Applicant respectfully asserts that Claims 1 through 21 overcome the rejections of record and, therefore, allowance of these Claims is respectfully solicited.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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